

CCPM Pamphlet No. 68  
February 1998

# *Information on*

## *Absence and Leave*

*A Guide for Public Health Service  
Commissioned Officers, Supervisors,  
Program Managers, Leave-Granting  
Authorities, and Leave Maintenance  
Clerks.*

# **INFORMATION ON ABSENCE AND LEAVE**

**A Guide for Public Health Service  
Commissioned Officers, Supervisors, Program Managers,  
Leave-Granting Authorities, and Leave Maintenance Clerks**

*Division of Commissioned Personnel  
Human Resources Service  
Program Support Center  
Department of Health and Human Services*

**CCPM Pamphlet No. 68  
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## **PREFACE**

**This pamphlet is published as part of the Commissioned Corps Personnel Manual (CCPM) of the Public Health Service (PHS). It is provided for informational purposes only and is not an official policy document. In the case of any conflict between the information provided herein and the official policy INSTRUCTION in the CCPM, the latter will be the controlling authority.**

**This pamphlet also provides information on procedures and officers' responsibilities incident to requesting various types of leave such as sick, annual, administrative, station, leave without pay, absence without leave, and court leave. It also provides guidance to supervisors, program managers, leave-granting authorities, and leave maintenance clerks and assists them in the performance of duties relating to the administration of leave programs for commissioned officers of PHS.**

**TO ORDER ADDITIONAL COPIES of this pamphlet, administrative officers and/or leave-granting authorities should submit a written request to:**

**Division of Commissioned Personnel/HRS/PSC  
ATTN: Office of the Director  
5600 Fishers Lane, Room 4A-15  
Rockville, MD 20857-0001**

**The requester must include his/her name, return address, telephone number, and quantity desired. Comments or questions concerning this guide should be forwarded to the address, above, as well.**

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## **ACRONYMS**

<b>AWOL</b>	<b>Absence Without Leave</b>
<b>CAD</b>	<b>Call to Active Duty</b>
<b>CCPM</b>	<b>Commissioned Corps Personnel Manual</b>
<b>D.C.</b>	<b>District of Columbia</b>
<b>DCP</b>	<b>Division of Commissioned Personnel</b>
<b>HHS</b>	<b>Health and Human Services</b>
<b>LWOP</b>	<b>Leave Without Pay</b>
<b>MAB</b>	<b>Medical Affairs Branch</b>
<b>MRB</b>	<b>Medical Review Board</b>
<b>MTF</b>	<b>Medical Treatment Facility</b>
<b>NHSC</b>	<b>National Health Service Corps</b>
<b>OMB</b>	<b>Office of Management and Budget</b>
<b>OPDIVs</b>	<b>Operating Divisions</b>
<b>OPM</b>	<b>Office of Personnel Management</b>
<b>PDS</b>	<b>Permanent Duty Station</b>
<b>PHS</b>	<b>Public Health Service</b>
<b>POC</b>	<b>Privately Owned Conveyance</b>
<b>POV</b>	<b>Privately Owned Vehicle</b>
<b>PSB</b>	<b>Personnel Services Branch</b>
<b>PSC</b>	<b>Program Support Center</b>
<b>TDY</b>	<b>Temporary Duty</b>
<b>U.S.C.</b>	<b>United States Code</b>



**ATTACHMENTS**

<b>Attachment 1</b>	<b>Determining Leave for Service of Less Than a Month</b>
<b>Attachment 2</b>	<b>Form PHS-1345, " Request and Authority for Leave of Absence"</b>
<b>Attachment 3</b>	<b>Form SF-1150, "Record of Leave Data"</b>
<b>Attachment 4</b>	<b>Form PHS-31, "Officer's Leave Record"</b>
<b>Attachment 5</b>	<b>Form PHS-3842, "Report of Commissioned Officer Annual Leave"</b>
<b>Attachment 6</b>	<b>Sample Memorandum Requesting Leave Record</b>
<b>Attachment 7</b>	<b>Sample Memorandum Transferring Leave Record</b>
<b>Attachment 8</b>	<b>Form PHS-1373, "Separation of Commissioned Officer"</b>

## **INTRODUCTION**

The purpose of this guide is to assist officers to understand their leave system, and to assist supervisors, program managers, leave-granting authorities, and leave maintenance clerks to perform duties relating to the administration of leave programs for commissioned officers of the Public Health Service (PHS). Throughout the guide, references will be made regarding Operating Divisions (OPDIVs), Agencies, and Programs. Below are definitions of the following references:

**OPDIVs.** Refer to organizational components operating fully under the leadership of the Department of Health and Human Services (HHS), which were formerly called the PHS Agencies.

**Agencies.** Refer to entities of other Federal Agencies and Departments of the United States (U.S.)

**Programs.** Refer to operating units or various components within the OPDIVs or Agencies. Programs work toward achieving the goals and missions of the OPDIV or Agency under which they operate.

For information or assistance in this area,  
contact the OPDIV or Agency Commissioned Corps Liaison

## **REFERENCES**

Detailed information on commissioned corps policies and procedures relating to leave is contained in the following Commissioned Corps Personnel Manual (CCPM) INSTRUCTIONS:

CCPM, Subchapter CC29.1, INSTRUCTION 1, "Leave of Absence, General"

CCPM, Subchapter CC29.1, INSTRUCTION 2, "Annual Leave"

CCPM, Subchapter CC29.1, INSTRUCTION 4, "Sick Leave"

CCPM, Subchapter CC29.1, INSTRUCTION 5, "Absence Without Authorized Leave"

## **GENERAL INFORMATION**

PHS commissioned officers are on duty 24 hours each day, every day of the year. The PHS Commissioned Corps system does not provide compensatory time off. Accordingly, officers are not eligible for overtime or compensatory time when they work longer than 8 hours a day or more than 40 hours a week (see "Varied Work Schedules" section on page 20 of this guide).

All annual, station, administrative, and court leave taken by PHS commissioned officers, except in cases of emergency, must be approved in advance. It is within the purview of the leave-granting authority to grant or revoke annual, station, or administrative leave consistent with program needs. An officer is subject to recall to duty at any time from annual, station, or administrative leave, and is required to keep his/her leave-granting authority informed of his/her whereabouts during any period of leave, including sick leave.

If an officer is not at work during regularly scheduled duty hours and is not in an official\ leave status (on approved leave as described below), the officer is on Absence Without Leave.

LEAVE RECORDS ARE SUBJECT TO THE  
PROVISIONS OF THE PRIVACY ACT OF 1974, AS AMENDED

### TYPES OF LEAVE (OVERVIEW)

1. Annual Leave. Any period exceeding 1 workday during which an officer is relieved from his/her scheduled working hours (other than sick, administrative, station, or court leave) including all nonworkdays falling within such period. Annual leave is the only leave that the leave maintenance clerk records on form PHS-31, "Officer's Leave Record."
2. Sick Leave. Leave granted when an officer is in need of medical services or is incapacitated for the performance of duties by sickness, injury, or pregnancy and recovery after delivery.
3. Station Leave. Station leave is absence from duty station under the following conditions: (a) during off-work hours (i.e., the period between the normal completion and commencement of scheduled working hours) on two consecutive workdays; (b) on a nonworkday unless the nonworkday falls within a period of annual leave; or (c) for a period of less than 1 workday. Examples of station leave include allowing an officer to be absent to: (1) attend parent-teacher conferences; (2) drop off or pick up vehicles at repair shops; (3) accompany a dependent to a health-care visit; (4) attend brief continuing education seminars of less than one day's duration; and (5) temporary building closures.
4. Leave Without Pay (LWOP). An officer may be placed in a leave without pay status only when detailed to a State or political subdivision and when such detail is related to the functions of the HHS or to a nonprofit educational, research, or other institution engaged in health activities or conducting programs, studies, research, and activities relating to public health of significance to the functions of HHS. The authority to place an officer in LWOP status is retained by the Director, Division of Commissioned Personnel (DCP).

An officer on a LWOP assignment does not earn or accrue annual leave during such assignment, and the officer's leave balance is frozen at the time he/she begins the LWOP detail.

5. **Administrative Leave.** Any absence for a full workday or more is normally charged to annual leave. However, there may be situations in which an officer may be excused from duty for a full workday or more without charge to annual leave. Such absence may be authorized as "administrative leave" under circumstances which are in the interest of HHS as well as the officer, as determined by the leave-granting authority. There is a 5-day limit per calendar year for administrative leave. This 5-day limit does not include any administrative leave requested and approved in conjunction with a transfer to a new duty station.

Administrative leave may be authorized to: (1) attend professional meetings; (2) take professional examinations (including examinations for State licensure and specialty board certification, whether or not the examination is taken at HHS expense; and (3) prepare for leaving an old station (up to 3 days) and establishing a household (up to 3 days) at a new duty station. Officers must request administrative leave from their respective leave-granting authorities on a transfer. The leave-granting authority at the old duty station can only approve administrative leave for his/her site and not the new duty station. Officers need to request administrative leave at the new duty station from their new leave-granting authority.

6. **Court Leave.** Court leave is an authorized absence of an officer from work without charge to leave or pay loss if: (1) on jury service; (2) a witness for the U.S. or the District of Columbia (D.C.) Government; (3) a witness on behalf of State or local government; (4) a witness on behalf of a private party in an official capacity; or (5) a witness on behalf of a private party when the U.S., D.C., or State Government is a party in the suit.
7. **Absence Without Leave (AWOL).** AWOL is absence from designated place of duty which is not authorized or approved by the leave-granting authority as annual, sick, station, administrative, or court leave, as applicable. Officers who are arrested and incarcerated by authorities are to be placed in AWOL status. An officer cannot be granted annual leave to serve periods of confinement or incarceration.

## **ANNUAL LEAVE**

### **Definitions**

- ! **Annual Leave.** Refer to page 2 of this guide, "Types of Leave" section.
- ! **Accumulated Annual Leave** means unused accrued leave remaining to the credit of an officer that is carried forward from one leave year into the next leave year.
- ! **Leave Year** or **Year** means a calendar year (January 1 through December 31).

- ! **Workday.** A workday means a day on which an officer is scheduled to perform more than brief periods of work, including a day when an officer is scheduled to be on call or to perform official travel.
- ! **Nonworkday** means a day designated by the supervisor on which an officer has no scheduled working hours including a day on which an officer is ordinarily scheduled to perform only brief periods of work, such as ward rounds in a hospital.
- ! **Lump-Sum Leave Payment** is the payment for any unused earned and accrued annual leave made to PHS commissioned officers upon separation under honorable conditions or retirement, or to survivors upon the officer's death.

Payment for lump-sum leave cannot be authorized when the officer is divested of his/her leave balance; for example, if by resigning, the officer breaks a special pay contract or fails to complete a service obligation. Lump-sum payment shall not be granted for annual leave or otherwise, to any individual who has implied that he/she intends to not fulfill an active-duty obligation based on a special pay contract or training agreement.

- ! **Terminal Leave.** Terminal leave must be approved by the leave-granting authority prior to submission of a separation request. Terminal leave means any approved annual leave requested before and taken after an officer has submitted a request for separation or retirement from active duty in the PHS Commissioned Corps. An officer is on active duty while on terminal leave, but may be able to work in outside organizations (except for a foreign country) and in Federal civil service while on terminal leave. To engage in outside work activities while on terminal leave, an officer must have prior approval as set forth in “The Standards of Ethical Conduct for Employees of the Executive Branch and the Department of Health and Human Services’ Supplemental Ethics Regulations.”

Terminal leave cannot be authorized when the officer is divested of his/her leave balance; for example, if by resigning, the officer breaks a special pay contract or fails to complete a service obligation. Leave shall not be granted as annual leave or otherwise, to any individual who has implied that he/she intends to not fulfill an active-duty obligation based on a special pay contract or training agreement.

### **Accrual and Accumulation of Annual Leave**

- ! **Accrual Rate**

An officer accrues annual leave at the rate of 30 days for each full year of active service. For any portion of a year, leave is accrued at the rate of 2.5 days for each month of service, except that no annual leave is accrued during any period in which an officer is on LWOP, AWOL, or called to active duty (CAD) for a short (less than 30 days) tour of duty.

Refer to Attachment 1 for determining leave accrual for periods of less than a full month upon CAD for a period of 30 days or longer, and upon an officer's separation or retirement.

! Accrual of Leave While in School

An officer attending school while on active duty accrues annual leave on the same basis as any other officer on active duty and will be charged annual leave for any absence for 1 day or more during scheduled classes or work assignments, including all nonworkdays and holidays which fall within the period of annual leave.

Officers will not be charged annual leave for: (a) days off in a clinical or similar setting, and (b) all national holidays or other days for which the school has no scheduled classes and the officer has no scheduled work assignments unless they are on annual leave.

! Maximum Accumulation

Annual leave accrued during a leave year but unused at the end of such year is carried forward as accumulated leave for use in succeeding leave years. However, the maximum annual leave which may be carried forward from one leave year to the next is 60 days. The 60-day limitation on the amount of unused annual leave that can be carried forward is imposed by statute and is, therefore, not subject to waiver by anyone.

Granting Annual Leave

! Requests for Leave

Requests for annual leave must be approved in advance on form PHS-1345 "Request and Authority for Leave of Absence," (see Attachment 2). The officer will complete form PHS-1345 and will forward it to his/her supervisor for approval or disapproval (if the supervisor is the leave-granting authority, the supervisor need only sign part three of the form). When requesting leave, the officer must include on form PHS-1345, a telephone number indicating where he/she can be reached while on leave. If the leave-granting authority disapproves the request, form PHS-1345 will be returned to the officer without any action and with an explanation to the officer why the leave was not approved.

Annual leave shall not be authorized for an officer who has been incarcerated pursuant to being charged or held for a criminal offense, and has been placed on AWOL status. If an officer knows that he/she will be incarcerated, he/she cannot request authorization for annual leave for that period.

Annual leave shall not be authorized for an officer who is separating from active duty and who is not fulfilling an active-duty obligation based on a special pay contract or a training agreement.

There is no category called 'bereavement' or 'compassionate' leave. Leave taken in conjunction with funeral arrangements for a relative or a friend must be taken as annual leave. Leave in this situation should be requested as annual leave granted under emergency circumstances. To provide for instances where the officer may have to take annual leave on short notice because of an unexpected emergency, it is suggested that the officer sign a blank leave slip in anticipation of having to take annual leave since the actual dates are not known. The officer must still obtain his/her leave-granting authority's approval prior to using such annual leave.

!

**Approval of Leave**

If the leave request is approved, the leave-granting authority will return the original (top copy) and one copy of form PHS-1345 to the officer and forward a copy to the leave maintenance clerk. The original copy of the form must be kept in the officer's possession at all times to document his/her leave status. Upon return from leave, the officer will complete Item 4 of the original copy of form PHS-1345 and forward it to the leave-granting authority for signature. After signing the form, the leave-granting authority will forward it to the leave maintenance clerk to retain.

In an emergency situation, the officer is required to promptly notify the leave-granting authority who will indicate his/her approval on form PHS-1345, send one copy to the leave maintenance clerk and retain the original for completion by the officer upon return to duty.

If it is necessary to cancel an officer's annual leave after the leave has been approved, the leave-granting authority may inform the officer orally, but shall confirm the cancellation of leave in writing.

!

**Computation of Leave Taken**

Annual leave is granted in full (whole calendar days) only. The number of days of annual leave taken is computed by counting each calendar day during the period of leave, including nonworkdays and holidays. Nonworkdays immediately preceding or following a period of annual leave are not chargeable to annual leave.

For example, if an officer is absent from duty and on annual leave for a period beginning on Monday and ending on Friday of the same week, annual leave is charged only for Monday through Friday (a total of 5 days). Refer to Chart 1, below.

Chart 1						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat

If, however, the officer is absent from duty all day on annual leave beginning on Friday of one week and ending on Friday of the following week, annual leave is charged for the Saturday and

Sunday following the first Friday (a total of 8 days). Refer to Chart 2, below, for clarity.

Chart 2						
Sun	Mon	Tues	Wed	Thurs	Fri	Sat

Sun	Mon	Tues	Wed	Thurs	Fri	Sat
-----	-----	------	-----	-------	-----	-----

A consecutive period of absence from duty may not be authorized in two or more parts to avoid charging annual leave for nonworkdays that fall within the period. For example, an officer cannot schedule annual leave for Monday through Friday for consecutive weeks to avoid being charged annual leave for the intervening weekend days. This same principle applies to officers having special or non-traditional duty hours and schedules.

If an officer is on annual leave and other officers and employees at his/her station are authorized leave because of a building shutdown, inclement weather, etc., the officer will continue to be charged annual leave for the day(s) in question.

! **Advancing Annual Leave**

In cases of emergency or extreme hardship, the leave-granting authority may grant the officer annual leave in advance of its actual accrual, not to exceed 30 days, with reasonable expectation that the officer will accrue the advanced leave. However, annual leave may not be advanced to an officer until after he/she has physically reported to his/her permanent duty station upon CAD.

Any deficit in the leave account at the end of the year will be carried forward to the next leave year to be charged against annual leave accrued in the new leave year. Any deficit in leave at the time of separation or retirement from active duty will require reimbursement from the officer.

**Temporary Duty (TDY) Travel.** TDY means duty at one or more locations, other than the permanent duty station (PDS), at which a member performs TDY under orders which provide for further assignment, or pending further assignment, to a new PDS or for return to the old PDS upon completion of the TDY.

TDY travel status begins when members leave their residences, offices, or other points of departure and ends when they return to their residences, offices, or other points of arrival at the conclusion of their trips.



1. Annual leave should not be granted for use in conjunction with official TDY travel if such use would give the appearance of impropriety. For example, a request for annual leave should be denied if the TDY is for a very short period or if the proposed leave is substantially longer than the TDY assignment.
2. When annual leave is taken in conjunction with TDY which is less than 30 consecutive days in duration, the number of days chargeable as annual leave is computed as follows: (if the TDY is 30 days or longer, use the normal rules for computing leave, subject to the provisions of paragraph 3., below):
  - (a) Determine the number of calendar days that the officer would have been unavailable for duty at the permanent duty station (regardless of whether normal workdays or nonworkdays) due to official travel status if the TDY had been completed without the use of annual leave, using available schedules and modes of transportation that best meets the needs of the Government.
  - (b) Determine the number of calendar days that the officer was actually unavailable for duty at the permanent duty station (regardless of whether normal workdays or nonworkdays).
  - (c) The difference between the number of days determined in subparagraph (a), and the number determined in subparagraph (b) is the number of days chargeable to annual leave.

An officer should be charged with annual leave if he/she is unavailable for duty at his/her PDS because of approved annual leave taken in conjunction with TDY travel.
3. When an officer on TDY is permitted for personal reasons to use a mode of travel other than the mode which the Government would normally select for purposes of the ordered travel, all full days of travel, in excess of the travel days which would have occurred using the normal modes, are chargeable to annual leave.

#### Transfer of Annual Leave

PHS commissioned officers who transfer to another Uniformed Service -- or officers of another Uniformed Service who transfer to the PHS Commissioned Corps will have their unused annual leave transferred. However, annual leave is not transferred to another Uniformed Service if the officer separates (not transfers) from the PHS Commissioned Corps to accept appointment in another Uniformed Service.

#### ! Inter-service Transfer

- (1) The primary purpose of the inter-service transfer is to allow full utilization of officers with critical or unusual skills. PHS commissioned officers who are qualified to contribute to an

activity of another Uniformed Service shall be permitted to apply for an inter-service transfer. HHS will accept applications for transfer to HHS from officers of other Uniformed Services if the officers are able to contribute to an HHS activity. DCP is not obligated to approve an application.

- (2) An officer who has been approved for inter-service transfer may be granted annual leave during the period following approval and prior to the date of transfer. Such leave will not be considered terminal leave nor will leave granted following submission of form PHS-1373, "Separation of Commissioned Officer," requesting inter-service transfer be considered terminal leave.

! **Transfer or Recredit of Annual Leave**

**Maximum Amount Transferable.** An officer transferring between different leave systems, i.e., between PHS Commissioned Corps, another Uniformed Service, or civil service, is required to transfer all accumulated and accrued leave to his/her credit at the time of transfer.

**Recredit of and Repayment of Annual Leave**

An officer who is reemployed under a different leave system before the end of the period covered by his/her period of approved annual leave, must be recredited with leave representing the unexpired portion of his/her approved annual leave.

! **Transfer of Leave Between PHS Commissioned Corps and Civil Service.** The following provisions apply in transferring and recrediting annual leave between the PHS Commissioned Corps and Federal civilian leave systems:

- (1) **Adjustment of Leave.** PHS commissioned officers earn leave on the basis of a 7-day workweek. Seven calendar days of leave are considered equal to 5 workdays of leave when annual leave is transferred between different leave systems. Accordingly, an employee appointed to the PHS Commissioned Corps from a position in which his/her leave account is maintained on a 5-day workweek basis would have his/her leave augmented by seven-fifths. An appointment to a 5-day workweek from a 7-day workweek would result in a reduction to five-sevenths of the officer's leave account. For example: (a) 80 hours of civil service (CS) leave converted to commissioned corps (CC) leave will become 14 days; or (b) 30 days of CC leave converted to CS leave will be 171.5 hours. (See Attachment 3, form SF-1150, "Record of Leave Data.")
- (2) **Leave Ceiling.** Leave under the PHS Commissioned Corps leave system may be accumulated to a maximum of 60 days. Therefore, 60 days is the maximum amount of leave that can be carried forward from one leave year to the next or be paid as a lump-sum leave payment upon separation. However, there is a statutory lifetime limit of 60 days of

unused annual leave for which lump-sum payment may be made after February 9, 1976. Accordingly, if an officer previously received a lump-sum leave payment from any Uniformed Service after February 9, 1976, that amount of leave will be included in the 60-day lifetime limit.

For the PHS commissioned officer appointed to a civil service position, the amount of leave that can be carried forward from one leave year to the next will be that amount of leave credited to him/her at the time of appointment which does not exceed 60 days of PHS Commissioned Corps leave. This amount will remain to his/her credit as accumulated leave until used. The use during any leave year in an amount in excess of accrued leave will automatically reduce this maximum allowable accumulation until the accumulation no longer exceeds the maximum allowed for other employees under the Federal civilian leave system.

DCP will determine whether an officer will be credited with leave upon his/her transfer or reemployment.

! **Appointment to the PHS Commissioned Corps**

When an individual enters on active duty, DCP will:

- (1) Check to determine whether he/she had been employed in another Federal position requiring the transfer or recredit of annual leave;
- (2) Prepare a request for form SF-1150, and submit it to the former employing Agency. Upon receipt of form SF-1150 from the former employing Agency, DCP will determine whether there was a break in service and the amount of leave to be credited; and
- (3) Prepare form SF-1150 for commissioned corps with leave conversion and send it to the officer's OPDIV or Program.

The employing program will:

- (1) Enter the amount of leave to be credited on form PHS-31, "Officer's Leave Record," and
- (2) File form SF-1150 with form PHS-31.

! **PHS Commissioned Corps to Federal Civilian Service**

When the officer separates from active duty, if he/she accepts employment in a Federal Agency,

DCP will complete form SF-1150 submitted by the requesting Agency, forward the original copy to the requesting Agency or office, and attach a copy of form SF-1150 to the officer's leave card.

**Note:** A break in service is one or more calendar days (which includes Saturday and Sunday) when an individual is leaving a position in which his/her leave account is maintained on the basis of a 7-day workweek, i.e., positions in the PHS Commissioned Corps, in other Uniformed Services, in the Veterans Health Administration of the Department of Veterans Affairs, and one or more workdays when an individual leaves a position in which his/her leave account is maintained on a 5-day workweek.

## **SICK LEAVE**

Sick Leave is leave granted when an officer is in need of medical services or is incapacitated for the performance of duties by sickness, injury, or pregnancy and recovery after delivery. An illness of a family member is not a justifiable reason for requesting or approving sick leave for an officer. For that purpose, an officer must request annual leave.

Sick leave is requested and approved on leave request form PHS-1345. Form PHS-1345 must be completed by the officer and leave-granting authority for each period of sick leave of 1 day or more and may, at the discretion of the leave-granting authority, be required for absences of less than a full day. The leave-granting authority may require a physician's statement for any period of sick leave, even for partial days. Form PHS-1345 for all absences in excess of 3 days which are not supported by a medical certificate from a doctor will include information in the "Remarks" section as to the reason for the absence, i.e., nature of illness or need for medical services. The officer's leave-granting authority may require an officer to remain in the vicinity of his/her duty station while the officer is on approved sick leave.

The leave-granting authority will forward the original of form PHS-1345 for each period of sick leave, and if applicable, supporting medical certificates to: Chief, Medical Affairs Branch (MAB), Division of Commissioned Personnel, 5600 Fishers Lane, Room 4C-06, Rockville, MD 20857-0001.

### **Responsibilities**

The officer is responsible for:

- ! **Notifying his/her supervisor as soon as practicable when he/she becomes incapacitated for duty because of illness or injury, and keeping the supervisor informed of his/her whereabouts during the period of absence from duty. If emergency circumstances exist, notification should be accomplished as soon as the situation permits, either by the officer or someone acting on his/her behalf.**
- ! **Applying for sick leave, in advance, where it is required for prearranged medical services including cases of pregnancy and recovery after delivery.**
- ! **Providing to the supervisor or leave-granting authority the legitimate documentation which either the supervisor or leave-granting authority requests in order to make an administrative determination of the necessity for sick leave absence and to plan for program needs. Legitimate documentation may include statements by a physician or other qualified provider of the officer's current and anticipated functional limitations, projected dates of return to limited and full duty, projected needs for absence from duty to receive medical services, verification of attendance at medical appointments, and any other relevant information.**
- ! **Cooperating fully with a second opinion evaluation of immediate duty status with a provider of the OPDIV or Program's choice as arranged by the OPDIV or Program and as directed by the leave-granting authority.**
- ! **Obtaining from the Beneficiary Medical Program Section, Medical Affairs Branch (MAB), DCP, in advance, authorization for DCP's financial support for travel incident to health care outside the local area and for non-emergent care from all providers other than Uniformed Services Medical Treatment Facilities (MTFs). If care received from one of these providers is emergent, not allowing for preauthorization or access to an MTF, MAB must be notified within 72 hours after the care was received.**
- ! **Completing Sections 1 and 4 of form PHS-1345 and submitting the form to the leave-granting authority for all sick leave absences of 1 day or more, and, when requested by the supervisor for partial day absences (station leave) for medical reasons. When leave is taken for prearranged health care services, Section 1 of form PHS-1345 should be completed by the officer and submitted to the leave-granting authority prior to the scheduled leave. Section 4 of the form should be completed by the officer upon return to duty after the period of absence.**
- ! **Obtaining any medical reports required or requested by his/her supervisor, or MAB.**

The officer's supervisor will be responsible for:

- ! **Notifying the leave maintenance clerk when an officer reports that he/she is unable to report to duty for medical reasons. The leave maintenance clerk will follow up on form PHS-1345, which**

must be completed by the officer and signed by the leave-granting authority for each period of sick leave, and forward it to MAB.

- ! Notifying MAB immediately by telephone or fax, when an officer fails to report to duty because of serious illness or injury.
- ! Ensuring that MAB has been notified when an officer is hospitalized in a Uniformed Service facility or a private hospital.
- ! Notifying MAB if an officer requires the use of sick leave because of a medical condition which may have existed prior to the officer's CAD.
- ! Notifying MAB when an officer has been, or is expected to be on sick leave for 30 consecutive days; and
- ! Notifying MAB if an officer's sick leave usage is suggestive of leave abuse or a serious health problem so that a determination can be made regarding the officer's health status.

MAB is responsible for maintaining in each officer's central medical file, reports of the officer's sick leave and reports of medical evaluation and treatment. MAB is also responsible for ensuring that appropriate medical reports are received on all officers using excessive sick leave or on prolonged sick leave, and referring such cases to the Medical Review Board (MRB), when appropriate, for determination on the officer's fitness for continued active duty.

- ! The leave-granting authority is responsible for ensuring that the reasons for granting sick leave to an officer are valid and sick leave reports are properly submitted. When there is adequate reason to suspect that an officer's provider may not be supplying full or accurate information regarding the officer's capacity to work in either a full duty or limited duty status, the leave-granting authority may direct the officer to undergo a second opinion evaluation of his/her immediate duty status.

Second opinion evaluations should be arranged with a provider with professional credentials equal or superior to those of the first provider (with respect to the general nature of the officer's medical impairment). Second opinions from Uniformed Service providers (ideally the Military or Coast Guard) are preferred, and only a Uniformed Services provider's opinion will be considered sufficient reason to deviate from the restrictions certified by the first provider. Use of providers employed by the officer's OPDIV or Program should be avoided whenever possible.

### Rules Applying to Sick Leave

- ! Accrual of Sick Leave. There is no earning or accrual of sick leave under the PHS

Commissioned Corps personnel system.

! **Transfer or Recredit of Sick Leave.** There is no accumulation, accrual, or transfer of sick leave under the PHS Commissioned Corps leave system. Accordingly, there can be no transfer of such leave when an officer is appointed to another Federal civilian position. This also applies when an individual is appointed to the PHS Commissioned Corps from a leave system under which he/she has accrued and accumulated sick leave to his/her credit. The sick leave, however, will be recredited to him/her if he/she returns to the leave system under which it was earned without a break in service of more than 3 years.

! **Granting Sick Leave.** Sick leave is granted as needed but only under the circumstances stated in page 2 of this guide, "Types of Leave." Absence from duty because of death or illness of a family member can be requested as and is chargeable to annual leave, unless the absence was for less than a full workday and granted as station leave.

When an officer has requested voluntary separation from the Service and becomes ill immediately prior to the date of separation, sick leave may be granted and the separation action may be postponed if the officer, the OPDIV or Program, and DCP, all agree to such postponement. However, involuntary separations and already requested voluntary separations will not be postponed to permit an officer to remain in active-duty status for "postpartum maternity leave." If the officer is being separated under involuntary conditions, DCP may authorize postponement in separation until questions are resolved and/or determination of the officer's fitness can be made.

! **Medical Reports.** If an officer is on sick leave for an extended period (normally 90 days or more), a fitness for duty examination may be requested. The leave-granting authority may consider an officer's certification as to the reason for his/her absence is administratively acceptable. However, for an absence in excess of 3 workdays, or for a lesser period when determined necessary, the leave-granting authority or MAB may also require a physician's statement. A medical report is required at the end of 30 days of continuous absence except for those officers on maternity leave.

! **Maternity Leave.** Maternity leave is a period of approved "sick leave" for incapacitation related to pregnancy and recovery after delivery. As with sick leave requested for other reasons, the length of maternity leave is based on the officer's fitness as determined by the medical status. The officer should notify her supervisor as soon as she knows that she is pregnant so that necessary staffing adjustments can be planned. When the officer knows the approximate date of delivery, when she will be requesting leave, and the date of her anticipated return to duty, she should submit her leave request (form PHS-1345) with the information to her supervisor. Upon return to duty, the officer should submit a physician's statement indicating her fitness to resume her duties and should complete Section 4 of the previously submitted form PHS-1345.

As for other sick leave, prepartum maternity leave must be medically justifiable. Postpartum maternity leave is likewise granted only for the incapacity of the officer, not for infant care. As a matter of administrative uniformity, and if medically indicated, maternity leave following vaginal delivery is up to 42 consecutive days beginning the day after hospital discharge. For

Caesarean delivery it is up to 56 days. Leave beyond these limits must be charged to annual leave unless MAB determines that there is medical justification for additional sick leave. Child care is not considered a reason for extension of maternity leave. Leave for this purpose, if granted, is chargeable to annual leave.

- ! **Referral to the MRB.** If an officer is absent from duty because of illness, injury, or postpartum convalescence for a period of more than 90 consecutive days, or for an aggregate of more than 120 days in any consecutive 12-month period, the file of such officer will be referred to the MRB to determine whether the officer should be retained on active duty, retired, or separated. Prolonged prepartum maternity leave absences are not ordinarily referred to MRB unless it appears that the officer will be unable to return to duty after the normal postpartum confinement period.
- ! There is no paternity or “adoption” sick leave. Under these circumstances, officers must request and use annual leave.

## **STATION LEAVE**

An officer is considered to be on station leave if he/she is away from the duty station during off-work hours, or nonworkdays (except those that fall within a period of annual leave), or for a period of less than 1 workday. Below is a brief summary of the station leave policy.

1. Officers may be granted station leave for periods of less than a full workday, and not have such leave counted toward annual or sick leave. Officers who desire to take station leave during regularly scheduled working hours or on a nonworkday during which he/she is scheduled to perform a brief period of work, must obtain the approval of his/her leave-granting authority in advance. Such leave must be approved in advance, orally or in writing by the leave-granting authority. Normally, only oral approval is required, but the leave-granting authority may require that advance approval be obtained in writing.

Station leave during scheduled work hours should be approved only when such leave is necessary to permit an officer to carry out activities that would be difficult to conduct during nonwork hours, such as health care appointments for family members. Under no circumstances may station leave be routinely approved to reduce the work hours of an officer.

2. Officers may be permitted to attend local training programs. The officer’s leave-granting authority may permit an officer to be on station leave for not more than one-half workday per week to participate, at no expense to the Government, in training programs which have a potential benefit for the officer and the Corps. Permission to use station leave to participate in training programs at no expense to the Government may be revoked at any time by the officer’s



leave-granting authority.

3. Officers shall not be granted station leave during scheduled work periods for the purpose of engaging in outside activities for which compensation is paid. For this purpose, annual leave must be requested, approved, and charged. Accordingly, when varied work schedules are implemented, management may benefit from a simultaneous review of requests for, and approvals of, outside work activities to ensure that these regulations are not violated.
4. In the 1960's and earlier, officers were advised that if they planned to be more than 50-100 miles away from their official duty station, that they should complete a leave slip indicating their absence as station leave (not charged to annual leave). This practice has long since been abolished. DCP recommends that if an officer plans to be away from his/her official duty station and cannot return within a few hours, then the officer may want to complete a leave slip. Officers may also need to complete a leave slip when they plan to use base accommodations or facilities while away from their official duty station.

### **ABSENCE WITHOUT LEAVE**

An officer shall be considered AWOL when absent from his/her designated place of duty for any period of time, including partial days, unless the period of absence is approved by his/her leave-granting authority as annual, sick, station, administrative, or court leave, as applicable.

For each day or fraction thereof of AWOL, an officer forfeits 1 day of all of his/her pay and allowances. Also, authorization for travel and transportation of household goods will not be allowed.

In addition, each day or fraction thereof that an officer is in AWOL status, shall not be credited toward fulfillment of: (1) a special or incentive pay agreement; or (2) an active-duty obligation incurred pursuant to participation in a HHS-sponsored training program; or (3) an active-duty obligation incurred pursuant to participation in a National Health Service Corps Scholarship program, or a Indian Health Service Scholarship program; or (4) an incurred active-duty obligation under any other provision of law or regulation.

An active-duty obligation of an officer shall be extended 1 day for each day or fraction thereof, that he/she is in AWOL status. If an officer is placed in AWOL status, the officer will remain in that status each day, including nonworkdays, until the officer either returns to duty or has his/her PHS commission terminated.

An officer who fails to report to a specific duty station, yet appears in the general area of the duty station shall be considered AWOL. An officer who is late reporting to his/her duty station, or who leaves his/her duty station early may be considered AWOL. If he/she is declared AWOL, he/she shall forfeit 1 day of all pay and allowances, yet may be required to remain on duty for the remainder of the normal workday.

An officer in AWOL status is not entitled to health care, **except** when such care has been authorized in advance by the Chief, MAB, in consultation with the Director, DCP.

An officer is not entitled to receive disability retired pay or disability separation pay for a disability that is incurred during a period in which the officer is in AWOL status.

Although an officer forfeits his/her pay and allowances while AWOL, he/she is nevertheless on active duty during such absence and the period of such absence is creditable as active duty for certain purposes, such as longevity and retirement credit.

#### **Reporting Responsibilities and Procedures**

- ! All AWOL shall be reported promptly by the leave-granting authority of the officer concerned by telegram or faxed memorandum to the Director, DCP. The original of the faxed memorandum shall be mailed to the Director, Division of Commissioned Personnel/HRS/PSC, 5600 Fishers Lane, Room 4A-15, Rockville, MD 20857-0001, immediately following the fax. A telegraphic notification shall be followed by a memorandum confirming this information. NOTIFICATION MUST BE SENT AS SOON AS IT IS KNOWN THAT THE OFFICER IS AWOL AND SHALL INDICATE THE DATE THE AWOL BEGAN.
- ! A personnel order shall be issued by DCP removing the officer from a pay status until it is determined that he/she has returned to active duty. Upon the officer's return to duty, a telegram or faxed memorandum shall be sent to the Director, DCP, with the original of the faxed memorandum mailed immediately thereafter, notifying DCP of the date the officer returned to duty. A telegram notification shall be followed by a confirmation memorandum. DCP shall issue a personnel order removing the officer from nonpay status. **HOWEVER, THE OFFICER SHALL NOT BE REIMBURSED FOR PAY AND ALLOWANCES LOST DURING THE AWOL PERIOD.**

#### **Actions Against Officers**

- ! If an officer is AWOL for 30 consecutive calendar days, the officer's commission may be terminated by the Director, DCP, and the officer may be subject to other disciplinary action.
- ! If an officer is AWOL for a period of less than 30 consecutive calendar days, the officer's record may be referred to a Temporary Promotion Review Board or an Involuntary Separation Board for review and recommendation.
- ! If an officer is eligible for retirement from the PHS Commissioned Corps and has been AWOL for a period of less than 30 consecutive calendar days, the officer's record may be referred to an involuntary retirement board for review.

### **ANNUAL LEAVE RECORDS**

Annual leave records may represent future pay or indebtedness and, therefore, must be safeguarded and maintained for correctness, completeness, and accuracy.

### **Leave Folder**

A leave folder will be maintained for each commissioned officer in which will be filed:

- ! The original (top sheet) leave form PHS-1345 (see Attachment 2), which is completed by the officer and the leave-granting authority upon return from annual leave.
- ! In the case of sick leave, the original (top sheet) copy of the leave form PHS-1345 will be forwarded to MAB, DCP, and a *copy* is placed in the officer's leave folder.
- ! Form PHS-31, "Officer's Leave Record" (see Attachment 4), and
- ! Copy of form PHS-3842, "Report of Commissioned Officer Annual Leave," (see Attachment 5).

### **Form PHS-31**

Form PHS-31 is designed for use by the leave maintenance clerk for recording annual leave earned and taken by the officer. In using form PHS-31, the leave maintenance clerk will credit annual leave to the officer on a monthly basis as the leave is accrued. For example, 2.5 days of leave will be credited to the officer's leave account under the "Leave Earned" column of form PHS-31 at the end of each month. Leave taken will be entered under the appropriate column listing the starting date and the number of days for each period of annual leave. At the end of each month, leave accrued will be entered in the "Leave Earned" column and the end-of-month balance will be entered in the "Balance" column. Any leave maintenance clerk who discovers an error in the form PHS-31 should correct the error and certify any changes that are made.

### **Verification of Leave Record**

On September 30 of each year, the leave maintenance clerk will complete and forward form PHS-3842 to each officer for whom a leave record is maintained. This form will give the officer an opportunity to verify his/her leave balance. Form PHS-3842 will show the balance at the beginning of the leave year, the amount of leave used through September 30, and the amount of annual leave that will be forfeited if not used by December 31 of that year. Any disagreement will be resolved by the leave-granting authority on the basis of the leave reports on file in the officer's leave folder. Questions about officer's leave should be directed to the Office of the Director, DCP.

Annual leave accrued during a leave year but unused at the end of such year is carried forward as accumulated leave for use in succeeding leave years. However, the maximum annual leave which may be carried forward from one leave year to the next is 60 days. The 60-day limitation on the amount of unused annual leave that can be carried forward is imposed by statute, and is therefore, not subject to waiver by anyone.

## **DISPOSITION OF LEAVE RECORDS**

**Upon Transfer.** The individual responsible for the officer's leave record in the officer's new assignment will be responsible for requesting the officer's leave record from the individual who maintained the leave record for the officer in his/her former assignment. A copy of the officer's leave record should be retained at the former assignment until confirmation of receipt at the new assignment is received (see Attachment 6, "Sample Memorandum Requesting Leave Record").

If the officer has been on LWOP, the record should be requested from the Director, DCP. The original leave record must not be given to the officer, but the officer may be given a photocopy.

Submission of the officer's leave record must be either hand-delivered by someone other than the officer (if within the same facility) or sent by priority mail {for example, Federal Express, Airborne Express, or U.S. Postal Service (registered or certified mail)} with a transmittal memorandum from the supervisor or leave-granting authority in the former assignment. A sample memorandum is provided in Attachment 7, "Sample Memorandum Transferring Leave Record."

### **Upon Separation from Active Duty**

When an officer is separated or retired from active duty, the following actions should be taken:

- ! The officer's leave maintenance clerk will verify the accuracy of, and certify the leave balance as of the officer's separation date on the officer's form PHS-31 (see Attachment 4).
- ! The certified form PHS-31 should include all terminal leave approved for the officer through the date of the officer's separation or retirement from active duty. Form PHS-31 should then be submitted to the officer's leave-granting authority who must countersign the form.
- ! Copies of the officer's forms PHS-31 and PHS-1373, "Separation of Commissioned Officer" (see Attachment 8) should be forwarded through the appropriate administrative channels to the Transactions and Applications Section, Personnel Services Branch (PSB), DCP, for officers who are separating, and the PSB Retirement Coordinator for officers who are retiring.

**Note:** Form PHS-1373 is not required for Commissioned Officer Student Training and Extern Program (COSTEP) officers.

- ! DCP will determine whether the officer's request for lump-sum payment for unused annual leave or transfer of such leave to another OPDIV, Agency, or Department is to be denied or approved. If the officer is denied such payment or transfer, he/she will be notified directly in writing by DCP. If payment or transfer is approved, DCP will verify the accuracy of the officer's leave balance as listed on the final certified form PHS-31, add any leave which accrues during travel time authorized pursuant to separation, and determine if any previous lump-sum leave payments have been made to the officer after September 1, 1976. The officer will be paid for the amount of

lump-sum leave payment authorized.

If the leave is to be transferred to another OPDIV, Agency, or Department, DCP will certify the number of days to be transferred in accordance with the requirements of the OPDIV, Agency, or Department concerned.

A copy of all of the officer's forms PHS-31 and prior leave record cards, together with copies of the officer's forms PHS-1345 and related correspondence will be retained at the officer's final duty station for at least 2 years for audit purposes. These copies may be destroyed after the 2-year period has expired.

### **Leave Without Pay**

When an officer enters LWOP status, the leave maintenance clerk will verify the accuracy of the leave balance as of the date of entry on such status. The leave balance must be verified on form PHS-31 by completing the following statement after the last entry on the card:

"I certify that I have reexamined and reconstructed the leave records of this officer, and that the entries contained on this leave record card are true and correct to the best of my knowledge."

The leave record should be audited and certified by the leave maintenance clerk and countersigned by the leave-granting authority. The leave maintenance clerk will forward the leave record, within 2 weeks, to the Office of the Director, DCP, to be filed in the officer's official personnel folder until the officer returns to pay status at which time the leave record will be forwarded to the officer's new duty station.

## **VARIED WORK SCHEDULES**

One of the significant advantages of the PHS Commissioned Corps personnel system is its flexibility to meet the diverse needs of HHS' OPDIVs and Programs.

An officer's supervisor can establish any duty or work hours for the officer necessary to meet the needs of the program. Although most officers have regularly scheduled work hours, this is entirely discretionary. Many officers, especially those in a clinical setting, work more than 8 hours per day, and on weekends or nights. Any work schedule developed to define "work hours" for an officer is for administrative convenience only, and does not establish any rights for the officer or restriction on management in making adjustments or changes as necessary to meet program needs. Commissioned officers will comply with whatever requirements are established by their OPDIVs and Programs with regard to the documentation of attendance.

**Flexitime.** The work hours of an officer can be fixed, or the starting and ending times can be flexible as determined by the officer's supervisor. Therefore, the general concept of flexitime applies to commissioned corps officers only in the context of flexible starting and ending times on duty, and not in defining any "basic work requirement," as provided in the civil service definition of "flexitime." That

is, it does not create an entitlement for the officer to work only an 8-hour day, or prohibit management from requiring additional work hours on any given day. Furthermore, an officer cannot earn credit hours as can a civil servant.

**Alternate Work Schedule.** The work hours of an officer are established by the supervisor and can be any number of hours in any type of pattern consistent with the needs of the program. Therefore, the concept of "normal" work hours and "alternative" work hours does not apply to a commissioned corps officer. A supervisor can establish any pattern of work hours including a pattern that is the same as the schedule of a civil servant if the needs of the program are met. However, such a pattern does not entitle an officer to a certain number of hours or days of "leave" as is the right of a civil servant. Furthermore, any agreement reached by an officer and program supervisor, and any records kept as to work hours of an officer, does not create any entitlement to certain hours or any days "off."

Any agreement as to work hours is purely discretionary and serves only as an administrative convenience. OPDIV or Program officials may keep internal records of officers' time and attendance for work scheduling purposes.

There are substantial differences between the PHS Commissioned Corps and the Federal civil service personnel systems which must be taken into consideration when developing work schedules and when charging for annual leave. Listed below are some clarifications on these differences:

- ! Annual leave for commissioned officers is granted in full or whole calendar days only. Therefore, if an officer is scheduled to work during a particular day and is granted annual leave for that day, the leave shall pertain to the entire calendar day regardless of the number of work hours scheduled for the officer. Commissioned officers are charged for a day of annual leave without regard to the numbers of hours worked or scheduled.
- ! Commissioned officers are paid on a monthly basis and are not entitled to overtime pay regardless of the number of hours worked during a day, a week, or a month.
- ! OPDIV or Program management has a right to establish hours during which the work unit is staffed and functioning, and to assign officers as needed to meet these staffing requirements.
- ! The concept of compensatory time is not applicable to PHS commissioned officers because they are subject to serve 24 hours per day, 7 days per week.

For example, if an officer works 12 hours during a particular day, he/she is not entitled to 4 hours of credit time to be applied to his/her work schedule at a later time. However, the officer's leave-granting authority does have the prerogative to consider the number of hours the officer had previously worked in determining future work schedules for the officer, provided, of course, that the leave-granting authority has been authorized by the OPDIV or Program concerned to establish work schedules for individual officers and employees.

## **FAMILY AND MEDICAL LEAVE ACT OF 1993**

**This Act only pertains to private and Federal civil service employees. Members of the Uniformed Services are not covered in the definition of an eligible "employee" under Title I of the Family and Medical Leave Act of 1993, and by Chapter 63 of Title 5, United States Code (U.S.C.), as amended by Title II of the Family and Medical Leave Act of 1993. Therefore, PHS commissioned officers are not eligible for or covered by the Family and Medical Leave Act of 1993.**

## **QUESTIONS AND ANSWERS**

**Q.** My civil service coworker was "furloughed" in December while I was working in the outpatient clinic. I was scheduled to be on annual leave during the last 2 weeks of December, but my leave was canceled so that I could cover the outpatient clinic. Because my leave was canceled, I had over 60 days of annual leave on December 31, 1995. In early January, I was told that I have lost my leave in excess of 60 days on January 1, 1996. Recently, the Office of Management and Budget (OMB) and the Office of Personnel Management (OPM) issued a policy allowing restoration of lost leave for some Federal employees. Does this "leave restoration policy" apply to the PHS Commissioned Corps?

**A.** The "leave restoration policy" announced by OMB and OPM affects Federal civil service employees only. Civil service employees are generally covered by regulations in Title 5 of the U.S.C., while PHS commissioned officers are covered by Title 42 of the U.S.C. Title 42 U.S.C. 210-1 covers PHS commissioned officer annual and sick leave and states:

**"In accordance with regulations of the President, commissioned officers of the Regular Corps and officers of the Reserve Corps on active duty may be granted annual leave and sick leave without any deductions from their pay and allowances: Provided, that such regulations shall not authorize annual leave to be accumulated in excess of sixty days."**

Therefore, the statute does not permit the carry over of more than 60 days of annual leave or the restoration of annual leave lost under the use or lose policy.

For further information about annual leave, refer to INSTRUCTIONS 1 and 2, Subchapter CC29.1 of the CCPM, and CCPM Pamphlets, *"Commissioned Officers' Handbook,"* and *"A Supervisor's Guide to the Commissioned Personnel System."*

**Q.** A civil service member of my carpool announced that she was going to be off on "sick leave" for a few days to stay at home and take care of her sick child. I was surprised that she said she was using "sick leave" rather than "annual leave." Can PHS commissioned officers take "sick leave" in a similar situation, i.e., to take care of a sick family member?

**A.** As a PHS commissioned officer, you may only use sick leave when you personally are in need of medical services or are incapacitated for performance of duties by sickness, injury, or pregnancy and recovery after delivery. Commissioned officers may not use sick leave to attend to the health needs of a family member. However, officers are permitted to request and use their annual leave for this purpose.

Your civil service carpool member is using her "sick leave" in accordance with the Family and Medical Leave Act of 1993, signed by President Clinton on February 5, 1993. The Family and Medical Leave Act of 1993 pertains to private and Federal civil service employees. Members of the Uniformed Services are not covered in the definition of an eligible "employee" under Title I of the Family and Medical Leave Act of 1993, or by Chapter 63 of Title 5, U.S.C. as amended by Title II of the Family and Medical Leave Act of 1993.



- Q. One of my PHS Commissioned Corps physicians at our hospital has requested and been given approval for an outside work activity. She has asked for approval to be a physician in a 'free clinic' in our community. I approved her request for outside work activity after I was confident that it would not affect her position and responsibilities at the duty station and that there was no conflict of interest. She is at the 'free clinic' either during her off hours after work or on non-duty weekend days. I have been assured that she has purchased her own medical malpractice coverage for the 'free clinic' position. She has also obtained a physician's license to practice in this State, as her out-of-State medical license was not acceptable to the 'free clinic' credentialing and privileging committee.**

Because of some scheduling changes at the 'free clinic', she has requested to be off on one of her regularly scheduled workdays during the week. Is it appropriate for her to complete and present to me a form PHS-1345, "Request and Authority for Leave of Absence," so that I can approve a day of annual leave for her, thereby allowing her to fill in at the 'free clinic'?

- A. Yes. An officer is required to request annual leave for any period of 1 workday or more during which he/she is relieved from his/her scheduled working hours at the assigned permanent duty station. Other types of leave such as station leave or administrative leave would not be appropriate when the officer is working during normally scheduled working hours at locations not associated with his/her official government duties. The granting of this officer's request for annual leave is at the discretion of her leave-granting authority. There is no obligation to grant the request if it interferes with the officer's assigned duties.**

- Q. I recently experienced a death in the family. While the death was not unexpected, as my relative was very sick and the hospital had alerted me to the seriousness of my relative's medical condition, nonetheless I was not prepared to deal with the late night phone call that I received. I immediately tried to make some 'tentative' plans and travel arrangements to get to the other Coast for the funeral. The next morning I submitted a leave slip (form PHS-1345, "Request and Authority for Leave of Absence") to my supervisor and leave-granting authority. In the 'Remarks' section of my leave slip I asked for 'bereavement' leave to attend the funeral. My request for leave was approved, but my leave-granting authority commented, when returning the leave slip, that I would be on 'emergency' annual leave, rather than 'bereavement' leave. What's the difference?**

- A. The PHS Commissioned Corps does not have a category of leave called 'bereavement' or 'compassionate' leave. The regulations prescribe the following leave categories: annual, sick, station, administrative, and court leave. The situation you presented would best be described as annual leave granted under emergency circumstances.**

- Q.** In the above situation, I didn't have enough annual leave to cover my trip to attend the funeral, and spend an appropriate period of time after the funeral with my family. I wasn't sure what to do. Can leave be 'advanced' in these situations?
- A.** In cases of emergency or extreme hardship, the leave-granting authority may grant annual leave to an officer in advance of its actual accrual, not to exceed 30 days. However, annual leave shall not be advanced to an officer until after the officer has physically reported to his/her permanent duty station upon CAD. Any deficit in the leave account at the end of the year will be carried forward to the next leave year for charge against annual leave accrued in the new year. Any deficit in leave at the time of separation or retirement from active duty will require reimbursement from the officer.
- Q.** Do officers accrue annual leave while in AWOL status?
- A.** No. An officer receives no pay and benefits, including the accrual of and use of annual leave, while in AWOL status.
- Q.** The other day my hot water heater broke and I bought a new one on the way home from work. I arranged to have it installed the very next day, a workday. I immediately called my supervisor at home to tell her that I had to be at home the next morning when the plumber arrived to install my new hot water heater. I asked her if I could please take the morning off, rather than the whole day off, explaining my dilemma. Knowing that I can only take annual leave in whole days, and that this particular installation would only take a few hours, I asked for "*administrative leave*" for the morning, indicating that I would come back into the office after lunch.

My supervisor said she'd get right back to me, after she checked with my leave-granting authority. After checking, she called me back at home and told me my "*station leave*" was approved. I appreciated the ability to have the time off without having to take the whole day off as annual leave, but I'm still a little confused. What is the difference between "*station leave*" and "*administrative leave*"?

- A.** *Station leave* is any absence from duty for a period of less than one full workday. Station leave must be approved in advance (either orally or in writing) by the leave-granting authority. Station leave is not a right; it is a privilege which should be granted prudently and only for legitimate reasons. A few examples of common requests for station leave include: being home to let in and be with repair persons; attending a home mortgage closing at the bank; dropping your car off and picking it up at a repair shop or a car dealership; or going to a Parent-Teacher conference at a local elementary school.

Station leave is also when an officer is on during off-work hours (i.e., the period between the normal completion and commencement of scheduled working hours) on two consecutive workdays. Said more simply, you are on station leave from 5:00 p.m. on Tuesday to 8:30 a.m. on Wednesday, if you normally work weekdays from 8:30 a.m. to 5:00 p.m.

*Administrative leave* is time away from the duty station that is of interest to both the HHS and

the PHS officer as determined by the leave-granting authority. Any absence for a full work day or more is normally charged to annual leave. However, there may be situations in which a PHS officer may be excused from his/her duties for a full work day or more without charge to annual leave.

Common examples of administrative leave are as follows: attending professional meetings when not sponsored by your program and when the meeting is considered beneficial to both the program and the officer; or taking professional licensure or certifying examinations. An officer may be granted up to 3 days of administrative leave before departure from his/her old duty station for the purpose of arranging the movement of household goods to the new duty station. Likewise, upon reporting at a new duty station, including an officer's first duty station, an officer may be granted up to 3 days of administrative leave to seek or otherwise establish residence at the new location.

Administrative leave cannot be granted upon separation or retirement, and the PHS officer has a limit of 5 days per calendar year on administrative leave. The 5-day limit does not include any administrative leave requested and approved in conjunction with transfer to a new duty station. Administrative leave is limited to the number of days required for the purpose for which it was granted, including round trip travel time where required, for example, to take a licensure or certification examination. Absence from duty for longer periods will be charged to annual leave. Administrative leave shall not be authorized for non-professional personal reasons.

- Q. I just selected a PHS Commissioned Corps applicant for a vacancy here in our operation. The applicant is now on orders for his CAD and he and his family are excited about coming to work for our program. He knows that he will earn 2.5 days of annual leave each month. He has asked if he could get an advance on his first month's leave to stop and visit some sites before reporting to duty later this month. I'm not sure how to handle such a request.
- A. The annual leave policy is very specific about this circumstance, i.e., "annual leave shall not be advanced to an officer until he/she has reported to his/her permanent duty station upon CAD." Additionally, if the officer reports in after he should, he may be considered AWOL. You may consider approving a future request for annual leave after the officer's arrival at his permanent duty station and once you know the effect his request for leave will have on your program.
- Q. Are participants in the COSTEP eligible to receive lump-sum payments for accrued but unused annual leave?

A. Participants in Junior COSTEP (JRCOSTEP) are not authorized lump sum leave payments for annual leave not used during the tours of duty for training. Their orders indicate the maximum number of days of leave that will be earned during their tours and the statement that lump sum leave payments are not authorized. In addition, the JRCOSTEP CAD packets include in both the General Information insert and a separate memo which indicates that JRCOSTEP participants will forfeit any unused annual leave at the end of their tour of duty. Participants in Senior COSTEP will be authorized lump sum leave payments unless they fail to fulfill the active-duty service obligation incurred as a result of HHS-supported long-term training.

Q. In what type of leave status must an officer be while flying Space-A?

A. An officer must be on annual leave to sign up for Space-A travel, and must stay on annual leave the total time he/she remains on the sign-up list and on travel status. An officer is therefore not permitted to return to his/her duty station while signed-up for an Air Mobility Command (AMC) flight. Officers are reminded to request sufficient annual leave to cover situations where their return flights may be commercial rather than through AMC.

Q. Should an officer be allowed to carry their original leave record when transferring from one duty station to another because he/she is concerned that the record will be lost?

A. No. The officer's leave maintenance clerk is responsible for transferring the officer's leave record from his/her original duty station to another. The Division of Commissioned Personnel recommends that after the leave record is audited and certified that two photocopies of the form PHS-31, "Officer's Leave Record" be made. One photocopy should be given to the officer who is transferring, and the second copy should be retained at the officer's present duty station.

The leave maintenance clerk at the new duty station is responsible for requesting the officer's leave records from the former leave maintenance clerk. The original leave records should be forwarded to the new duty station using a secure system such as Federal Express, Airborne Express, or U.S. Postal Service (registered or certified mail).

After the leave maintenance clerk at the old duty station receives confirmation that the new duty station has received the officer's leave records, the photocopy being maintained by the old duty station can be destroyed. A copy of the officer's form PHS-31, together with copies of the officer's form PHS-1345, "Request and Authority for Leave of Absence," all prior leave record cards, and related correspondence must be maintained at the officer's final duty station for at least 2 years for audit purposes.

An officer can hand carry only a photocopy of his/her leave record when transferring to another duty station so he/she can verify the accuracy of the transferred record or assist in replicating the record if the leave record is lost or destroyed.

Q. What type of leave should be charged when an officer is testifying in court because of involvement in a traffic accident?

A. An officer is on 'court' leave if he/she is: on jury duty; a witness for the U.S. or D.C. government; a witness of behalf of State or local government; a witness on behalf of a private

party in an official capacity; or a witness on behalf of a private party when the U.S., D.C., State or local government is a party in the suit.

An officer must take annual leave if he/she is a witness on behalf of a private party (including himself/herself) or when the U.S., D.C., State or local government is not a party to the litigation.

- Q. What should an officer do if he/she becomes ill when in terminal leave status?**
- A. Terminal leave is any annual leave requested and approved before, but taken after submission of form PHS-1373, "Request for Separation." All terminal leave must be requested and approved before submitting form PHS-1373. Since no one can predict the need for sick leave, if an officer becomes ill while on terminal leave, he/she should notify his/her leave-granting authority. The leave-granting authority must notify the Transactions and Application Section, Personnel Services Branch, DCP immediately by fax or telegram, so that appropriate adjustments may be made to the annual leave record. The officer must submit certification from a physician to his/her leave-granting authority and request that the terminal leave be changed to sick leave.**
- Q. Management officials were surprised to learn that an officer under their supervision did not lose his pay and allowances for an unauthorized absence even though the period of AWOL was noted on the officer's leave record card (form PHS-31). What steps should have been initiated to place and remove the officer from AWOL status?**
- A. All AWOL must be reported promptly by the leave-granting authority in a memorandum by fax or telegram to the Director, Division of Commissioned Personnel/HRS/PSC, 5600 Fishers Lane, Room 4A-15, Rockville, MD 20857-0001. Telephones are: (301) 594-3000 (Voice), and (301) 594-2711 (Fax).**
- The original of any faxed memorandum should be forwarded to the above address immediately after faxing to DCP. The notification must be sent as soon as it is known that the officer is AWOL and should indicate the date AWOL began. Similarly, when an officer returns to duty, a fax or telegram should be sent to the address above notifying DCP of the date the officer returned to duty. This notification must be sent as soon as it is known that the officer is no longer in AWOL status and should indicate the date AWOL ended. In this manner DCP can correctly issue personnel orders that will place an officer in, or remove an officer from, a non-pay and benefit status.**
- Q. An officer was arrested and is being held in a correctional facility, pending trial for an alleged felony. Under what conditions can the officer be granted annual leave?**
- A. Officers who are arrested and incarcerated by authorities are to be placed in AWOL status. An officer cannot be granted annual leave to serve periods of confinement or incarceration.**

- Q. If a physician confines an officer to quarters due to illness or injury, is that officer free to travel outside of the area (duty station or treatment facility) without an annual leave slip, during the period of recovery?**
- A. No. Quarters mean where the officer resides in the local area. Annual leave slip would be required to be absent from the area because the officer is not available to return to duty and is not available to return to see a physician if necessary.**
- Q. If an officer wants to convalesce somewhere other than his/her own quarters, must the agency approve such an absence from the area?**
- A. Convalescing somewhere other than quarters requires agency approval and the Medical Affairs Branch, DCP, should be consulted to determine the prudence of such. CCPM, Subchapter CC29.1, INSTRUCTION 4, "Sick Leave," dated September 25, 1997, Section C.1.a., states that "an officer will be responsible for keeping the supervisor informed of his/her whereabouts at all times during the period of sick leave, and requesting and obtaining in advance (except in emergencies), the supervisor's permission to be away from the local areas of the duty station and of the usual residence."**

ATTACHMENT 1

Determining Leave for Service of Less Than a Month

1. The following Table will be used to determine the amount of leave earned for the month in which an officer is (1) called to active duty, or (2) restored to a pay status from leave without pay.

<u>First Day of Active Duty is</u>	<u>Leave Credited That Month</u>
1st - 6th	2-1/2 days
7th - 12th	2 days
13th - 18th	1-1/2 days
19th - 24th	1 day
25th - 31st	1/2 day

2. The following Table will be used to determine the amount of leave earned for the month in which an officer is (1) separated from the Public Health Service Commissioned Corps (termination, inactivation, retirement, or death), or (2) placed on leave without pay

<u>Last Day of Active Duty is</u>	<u>Leave Credited That Month</u>
1st - 6th	1/2 day
7th - 12th	1 day
13th - 18th	1-1/2 days
19th - 24th	2 days
25th - 31st	2-1/2 days

**ATTACHMENT 2**

**Form PHS-1345, "Request and Authority for Leave of Absence"**



**ATTACHMENT 3**

**Form SF-1150, "Record of Leave Data"**

**ATTACHMENT 4**

**Form PHS-31, "Officer's Leave Record"**

**ATTACHMENT 5**

**Form PHS-3842, "Report of Commissioned Officer Annual Leave"**

**F R O N T**

**B A C K**

ATTACHMENT 6

Sample Memorandum Requesting Leave Record

**Date:** \_\_\_\_\_

**From:** (Gaining Supervisor or Leave-Granting Authority)

**Subject:** Requesting Transfer of Leave Record

**To:** (Losing Supervisor or Leave-Granting Authority)

We would like to request the leave record for (Officer's Rank and Name), a Public Health Service Commissioned Corps officer previously assigned to your organization, who accepted a position in our organization on (Date). Please submit the officer's leave record to this office (New Organization and Address). Should you have any questions, please call (Name of Leave Maintenance Clerk) at (Telephone Number).

\_\_\_\_\_  
/S/  
Gaining Supervisor

ATTACHMENT 7

Sample Memorandum Transferring Leave Record

Date: \_\_\_\_\_

From: (Losing Supervisor or Leave-Granting Authority)

Subject: Transfer of Leave Record

To: (Gaining Supervisor or Leave-Granting Authority)

Transmitted herewith is the leave record for (Officer's Rank and Name), a Public Health Service Commissioned Corps officer who was previously assigned to this organization. This officer transferred to your office effective (Date).

We would appreciate your calling (Name of Leave Maintenance Clerk) at (Telephone Number) to acknowledge receipt of the leave record.

\_\_\_\_\_  
/S/  
Losing Supervisor

Attachment

**ATTACHMENT 8**

**Form PHS-1373, "Separation of Commissioned Officer"**

